THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.27373 of 2006

Date:26.03.2007

Between:

B.Narsaiah and others

-------PETITIONERS

AND

The Commissioner of Fisheries and others.

---------RESPONDENTS

ORDER:

Petitioners are the members of the Fishermen Cooperative Society, Mahabubabad, the fifth respondent herein. It has got several villages around Mahabubabad as part of its area of operation. Erejerla is one of such villages and the petitioners hail from that place. Their grievance is that respondents 1 to 4 are taking steps to bifurcate the fifth respondent-society and constitute an independent society for Erejerla village at the instance of the Minister hailing from that area. It is stated that except themselves, there are no other fishermen in the village and only on account of political reasons and vendetta, the society is sought to be bifurcated.

Respondents 8 to 19 got themselves impleaded.

The learned counsel for the petitioners submits that on the basis of a representation made by the contesting respondents, a proficiency test was conducted by the fourth respondent and out of 44 persons, who appeared in the test, only three persons belonging to Mudiraj community, who are relatives to the petitioners, were found to be qualified and the proposal for bifurcation has virtually become untenable or not feasible.

The learned Government Pleader for Fisheries and the

counsel for respondents 8 to 19 submit that the petitioners cannot object for bifurcation of the society, which would sub-serve the interest of the native fishermen.

There is no prohibition in law for bifurcation of an existing society. However, the procedure prescribed under the Andhra Pradesh Cooperative Societies Act and the Rules made thereunder, needs to be followed. As regards the societies constituted for promoting professions such as toddy tapers, fishermen, weavers etcetera, the authorities concerned are required to conduct skill test for the intending members, be it in the contest of admission into the existing society or to bifurcate the societies.

In the instant case, proposals were mooted for bifurcation of the fifth respondent society. On the basis of a representation made by as many as 44 residents of Erejerla, in accordance with the required procedure, skill test was conducted by the fourth respondent. It emerged that out of 44 candidates, who were subjected to the test, only three are qualified. The question of bifurcating the fifth respondent-society for the benefit of the said three members does not arise. Therefore, whatever may have been the justification for examination of the proposals for bifurcation before the test was conducted, it has proved to be not feasible as a result of the skill test.

Therefore, the writ petition is allowed and the respondents are directed not to bifurcate the society for the current fishing season. Respondents 1 to 4 shall ensure that the members of the fifth respondent-society alone carry on the fishing operations in the tank of Erejerla village and any future attempts to bifurcate shall be in accordance with the relevant provisions of law. There shall be no order as to costs.

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26.03.2007

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